

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MATTHEW M.L. MCCAIN,

Plaintiff,

v.

RICHARD W. HARRINGTON, *et al.*,

Defendants.

Case No. 13-cv-300-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court for case management purposes. On April 16, 2013, the Court allowed plaintiff Matthew M.L. McCain to proceed without prepayment of fees and assessed an initial partial filing fee of \$22.77 pursuant to 28 U.S.C. § 1915(b)(1) (Doc. 22). Not having received the initial partial filing fee by July 22, 2013, Magistrate Judge Philip M Frazier ordered McCain to pay it in full on or before August 23, 2013. McCain did not do so, and on August 30, 2013, the Court extended his payment deadline to September 30, 2013, stayed this case until further order of the Court and warned McCain that if he did not pay the entire initial partial filing fee of \$22.77 by September 30, 2013, the Court would dismiss this case without prejudice (Doc. 72). McCain has not paid the \$22.77 fee (or any part of it). However, he has asked for an extension of time of 30 days to pay the fee, which he believed Menard Correctional Center (“Menard”), the prison in which he is incarcerated, had already deducted from his account and paid on his behalf and which he has also asked his mother to pay for him (Doc. 76). McCain has also requested an order from the Court directing Menard to turn over \$22.77 from his account, which he believes he has in light of a recent \$50.00 deposit he received (Doc. 78).

The Court **GRANTS** the motion for an extension of time (Doc. 76) and **ORDERS** that McCain shall have up to and including October 25, 2013, to pay the entire initial partial filing fee

of \$22.77. This case shall remain **STAYED** until further order of the Court and will be dismissed if the entire initial partial filing fee is not received by that date. No further extensions of time will be granted. The Court further **ORDERS** McCain to submit a copy of his prison trust fund account statement for the past six months on or before October 31, 2013. The Court further **DENIES** McCain's motion for an order directing Menard to turn over the initial partial filing fee (Doc. 78) and reminds McCain that he is ultimately responsible for ensuring Menard submits the fee to the Court on his behalf and that he should fill out all forms necessary to achieve this.

IT IS SO ORDERED.

DATED: October 1, 2013

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE